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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

ARTHUR W. BELVINS III,

Defendant and Appellant.

E071481

(Super.Ct.No. FWV18002551)

OPINION

APPEAL from the Superior Court of San Bernardino County. Michael R. Libutti,
Judge. Affirmed.

Randall Conner, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

FACTUAL AND PROCEDURAL HISTORY

A. PROCEDURAL HISTORY

On July 17, 2018, a felony complaint charged defendant and appellant Arthur W. Belvins III with possession of a firearm by a felon under Penal Code¹ section 29800, subdivision (a)(1) (count 1); criminal threats under section 422, subdivision (a) (count 2); and first degree burglary, person present, under section 459 (count 3). The complaint also alleged, as to count 1, that defendant had suffered a prior conviction for grand theft under section 487, in case No. 16CR-000613.

On August 16, 2018, defendant pled no contest to count 1, in exchange for a dismissal of counts 1 and 2, and the low term of one year four months in state prison.

On September 18, 2018, defense counsel indicated that defendant wanted to withdraw his plea and retain private counsel. In response, the trial court held an in-camera hearing under *People v. Marsden* (1970) 2 Cal.3d 118. After hearing argument from defendant and defense counsel, the trial court denied the motion for relief from counsel and for the withdrawal of defendant's plea. Thereafter, the court ordered the transcript of the in-camera hearing sealed. Back on the record, the trial court dismissed counts 2 and 3, and sentenced defendant to serve one year four months on count 1.² The

¹ All further statutory references are to the Penal Code unless otherwise specified.

² Defendant also admitted violating probation in case No. 16CR-000613, in exchange for the low-term sentence of one year and four months, to be served concurrently with the sentence in the instant case. The court sentenced defendant accordingly.

court also awarded defendant 66 days of credit for actual presentence custody and 66 days of credit for good conduct. The court then ordered defendant to pay fines and fees.

On October 1, 2018, defendant filed a timely notice of appeal and a request for a certificate of probable cause. On October 9, 2018, the trial court granted defendant's request for a certificate of probable cause. On March 4, 2019, defense counsel filed a request for an extension of time to file and serve a supplemental brief, if necessary. On March 14, 2019, we denied the motion but "GRANTED an extension to serve and file, with the clerk of this court, on or before April 3, 2019, a written report on the trial court's ruling on appellant's motion. At that time, if appellant wants to brief an issue, he may file a motion to strike the brief filed pursuant to *People v. Wende* (1979) 25 Cal.3d 436, and to file a new appellant's opening brief." On April 3, 2019, defense counsel filed a letter with the court indicating that the trial court has granted defendant's motion to strike the court's orders that defendant pay fees and fines. The copy of the minute order was also attached to the letter. Defendant did not file a motion to strike his *Wende* brief.

B. FACTUAL HISTORY

On August 16, 2018, defendant stipulated that an incident/investigation report by the Chino Police Department would be the factual basis for his plea. According to the report, on July 15, 2018, at approximately 4:24 a.m., the victim informed Officer Finlen that defendant, the ex-boyfriend of the victim's sister, had arrived at her residence in Chino. Defendant forced his way inside and threatened to kill the victim with a black handgun. Officers entered the residence at approximately 7:33 a.m. and found defendant

sleeping in the master bedroom. The officers found a black semi-automatic handgun in the bed. Subsequently, defendant denied possessing the gun.

DISCUSSION

After defendant appealed, and upon his request, this court appointed counsel to represent him. On January 15, 2019, counsel filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738 setting forth a statement of the case, a summary of the facts, and potential arguable issues, and requesting this court to undertake a review of the entire record. We offered defendant an opportunity to file a personal supplemental brief, but he has not done so. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the record for potential error and find no error.

DISPOSITION

The judgment is affirmed.

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MILLER

J.

We concur:

McKINSTER

Acting P. J.

RAPHAEL

J.